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life like Goethe or Henry Adams. But the personal element is as insistently present in his utterances as in the great essayists, Montaigne or Hazlitt, who tell us so much of themselves, while they are telling us about the world.

Goethe said of Schiller that you could tell he was a great man if you only saw him paring his nails. Even if we did not know that this writer was our greatest living judge, our most profound legal scholar, we would recognize in the pages of his Collected Papers a great personality, a seeker after truth. No shallow optimist speaks here, satisfied with an America where everyone owns his Ford and Victrola, no dogmatist resting comfortably upon formulae however venerable; but one, like Rabbi Ben Ezra, whose view of life is thus expressed:

"Rather I prize the doubt
Low kinds exist without,
Finished and finite clods untroubled by a spark."

O. K. McMurray.

THE CORPORATION AS A LEGAL ENTITY. By James Treat Carter, Ph.D., of the Baltimore Bar. M. Curlander, Baltimore, 1919. pp. xv, 239.

This book will be of particular use to a practitioner in Maryland, for only as to her laws is the treatment exhaustive. As to its accuracy or adequacy in this respect the reviewer is not so presumptuous as to judge. In the first part of the work, however, covering some 160 pages, the matter is valuable elsewhere. Mr. Carter's consideration of the nature of a corporation and, above all, of the various currents of theory thereon in the United States is well reasoned, well expressed, and consequently illuminating. His book is recommended to those who, faced with a problem as to corporate entity, would have or would refresh knowledge of fundamentals, and particularly to those who stigmatize a corporation as a "fiction" without knowing exactly what they mean.

A. T. Wright.

MODERN LEGAL PHILOSOPHY SERIES. Edited by a Committee of the Association of American Law Schools. Second Edition, 1921-1922. The Macmillan Company, New York City, New York.

Legal philosophy, which is taken as an essential part of a lawyer's equipment in most countries of continental Europe, has until recently formed a minutely small part of the reading of either busy or leisurely practitioners. It will perhaps be long before it will seem natural for American lawyers to interest themselves in the matters that form the content of this series. However, before these books became available, those lawyers who might have interested themselves in legal philosophy would have been hard put to it to find even the elements of the subject in an English form.

That defect was remedied some eight years ago when the Association of American Law Schools projected and published this

series of nine volumes, of which a new reprint, with minor revisions, has just been issued by the Macmillan Company. The series contains:

1. Gareis, *Introduction to the Science of Law*, 1911. pp. xxix, 375.
2. Berolzheimer, *The World's Legal Philosophies*.
3. Korkunov, *General Theory of Law*, 2nd ed. 1922. pp. xxviii, 524.
4. Ihering, *Law as a Means to an End*.
5. Miraglia, *Comparative Legal Philosophy*, 1921. pp. xl, 793.
6. Del Vecchio, *The Formal Bases of Law*, 1921. pp. lvii, 412.
7. Kohler, *The Philosophy of Law*, 1921. pp. xlv, 390.
8. *Science of Legal Method, Select Essays*, 1921. pp. lxxxvi, 593.
9. Fouillée, *Modern French Legal Philosophy*, 1921. pp. lxvi, 578.

One of these books, Del Vecchio, *The Formal Bases of Law*, was exhaustively reviewed in 4 *California Law Review*, 265, by Professor Philbrick, and I should like to refer those whose curiosity will not carry them beyond the covers of books like this, to the excellent presentation Professor Philbrick makes. The Del Vecchio volume will further serve as an example of the first seven of the series. The subject is hard; its treatment is technical and its statement is abstract, but it is not crabbed nor inhuman and it ought to have no terrors to those who have read *Abridgements* and *Coke's Institutes*. The selection of two Italian writers is a welcome and needed advertence to the wide-spread diffusion of philosophic and juristic studies in Italy and the peculiar and sympathetic interest these studies have elicited there.

The last two volumes, however, ought certainly to tempt even the timid legal reader. The *science of Legal Method* contains brief essays, first on the Problem of the Judge by Gény, Ehrlich, Gmelin, Kiss, Berolzheimer, Kohler, Pound, Gerland, Lambert and Freund and then, on the Problem of the Legislator, by Alvarez, Gény and Freund. The presence of two of America's foremost jurists in this company may well remove the foreign taint of the business, and although in many cases the essays are rather fragments of larger works and suffer somewhat by being torn from their context, they are eminently readable in their present form.

The last volume, *Modern French Legal Philosophy*, contains translations of selected chapters of Fouillée's *L'Idée Moderne du Droit*, Charmont's *La Renaissance du Droit Naturel*, Duguit's *L'Etat—Le Droit Objectif et la Loi Positive* and Demogue's *Les Notions Fondamentales du Droit Privé*. Frenchmen have a way of speaking precisely, clearly and vividly even when discussing abstruse topics and these books are in the finest French tradition. Not the least valuable part of the selections is the information they give of the lively and vigorous controversies which the rival schools have conducted during the last generation.

Too much can hardly be said in commendation of the Macmillan Company's undertaking to reprint these volumes. No great financial return could have been expected. It can only be

by slow degrees that a fully appreciative public for works like these will develop. The services rendered by the publishers should therefore be all the more appreciated and publicly recognized.

Max Radin.

NON-PARTISAN LEAGUE. By Andrew A. Bruce. Macmillan Co., New York, 1921. pp. 284.

This is a history of the Non-Partisan League in North Dakota; the work of the Socialists, Townley, Lemke, Mills. As the latter is now organizing a Non-Partisan League in California, there will probably be much interest in this account of the League's activities in North Dakota.

The book contains a mass of unimpeachable facts with the references. In the interpretation of the facts, political and economic bias bring about the greatest diversity. The author, now Professor of Law in the University of Minnesota, was formerly Chief Justice of North Dakota, and resigned on account of the non-judicial attitude of his Socialist colleagues. He presents the issue from the point of view of a Progressive-Republican. He recognized and fought the old machine boss rule and the economic abuses of which the people justly complained, but he does protest emphatically against the international socialistic domination of the Non-Partisan League. On the whole, the League is not likely to have a fairer opponent.

We are too close to the movement to appraise it rightly, but a few features stand out prominently. There is the inevitableness of a reaction of this kind as the result of a brutal domination of a corrupt and capitalistic railroad machine. There is also the impossibility of drawing any definite economic conclusions from the experience of North Dakota, for while Governor Frazier of the Non-Partisan League has been recently recalled, the majority was not large and at no time has there been a decisive superiority in votes either way. Consequently, neither side has had a fair test of its policies. The attempt to control in one state the distribution of its product throughout the entire world and to obtain independence of the manufacturing and distributing interests is a difficult accomplishment. In fact, there seems in the Non-Partisan leaders an inability to realize the complexity and interrelation of economic forces and a depreciation of the skill which controls production and distribution on a large scale. Nothing has been shown by the leaders of the movement that would induce a capitalistic employer to trust any of them with the management of a big enterprise. The ability displayed is oratorical and political, not practical. It is probable, however, that the Socialists might admit this but justify it on the ground that they must make a beginning and that their movement contemplates an international control of distribution.

The movement naturally attracts to itself socialists, anarchists, I. W. W.'s, discontented elements generally, and some of the extreme lovers of democracy. It is apparent, however, that these